

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:22-CV-00064-KDB-DSC**

United States of America,

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Plaintiff,

)

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v.

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ORDER

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\$14,970.00 in U.S. Currency

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\$37,625.00 in U.S. Currency,

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Defendant.

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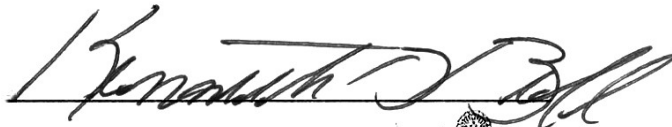
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THIS MATTER is before the court upon its own motion. Plaintiff filed a Motion to strike the answers of *pro se* Claimants, Jordon Horton and Elizabeth Horton, on September 2, 2022. (Doc. No. 10). Accordingly, Claimants' responses were due September 16, 2022. *See* Local Civil Rule ("LCvR") 7.1(e) ("responses to motions must be filed within fourteen (14) days of the date on which the motion is served."). Claimants have failed to timely respond.

The Court hereby advises Claimants of their right to file amended answers. Under Federal Rule of Civil Procedure 15(a)(2), a party may amend its answer with the court's leave. Trial courts liberally grant such leave in the absence of a showing that an amendment would result in unfair prejudice to the opposing party. *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 401 U.S. 321, 330-31, 91 S. Ct. 795, 28 L. Ed. 2d 77 (1971). Having found no unfair prejudice, the Court will permit the Claimants to amend their answers.

IT IS THEREFORE ORDERED that Claimants have fourteen (14) days from the filing of this Order in which to properly amend their answers. The Court advises Claimants that failure to amend their answers may result in the Court deeming the allegations of the Complaint to be admitted. *See Pekin Ins. Co. v. Innovative Coatings & Materials, L.L.C.*, Civil Action No. 5:19-CV-128-KDB-DSC, 2020 U.S. Dist. LEXIS 196855 (W.D.N.C. Oct. 22, 2020) (holding where a defendant fails to answer a plaintiff's complaint, the facts alleged by the plaintiff are deemed admitted as to the defendant.). The Clerk is directed to certify copies of this Order to Claimants by certified mail, return receipt requested.

Signed: September 30, 2022

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

